

**Enrolled Minutes of the Thirty-Ninth Regular Meeting
Of the Twenty-Sixth Highland Town Council
Monday, August 10, 2009**

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, August 10, 2009 at 6:30 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Konnie Kuiper, Brian Novak and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council and the Clerk-Treasurer discussed buying an half page ad in the Highland High School Booster Club Sports program at personal expense. Councilor Zemen coordinated the matter.
3. The Town Council discussed Resolution No. 2009-40. It was noted that the project associated with it was submitted for America Recovery and Reinvestment Act (Federal Stimulus) funding, but after review it did not qualify. The Public Works Director noted that there was sufficient local money to participate.
4. The Town Council and the Metropolitan Police Chief discussed proposed Ordinance No. 1431 regarding changes to civil fingerprinting services and Accident report fees. It was noted that there was in the draft ordinance no fee for fingerprint services for children who were residents but one was proposed for non-residents. Some Councilors discussed whether or not the policy should include any charge for fingerprint services for children regardless of residency.
5. The Town Attorney, Rhett Tauber, reported to the Town Council on the sale of the Sanitary District Bonds of 2009, Series A, B, and C, in the combined amount of over \$7.6 million. The settlement of proceeds was scheduled for August 18. Series B was comprised of "Build America Bonds" which while taxable, qualified for a 35% credit (subsidy) paid by the United States Treasury on the interest due on the bonds.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, August 10, 2009 at 7:05 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Dan Vassar presided and the Town Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

The session was opened with the Town President leading the pledge of allegiance to the United States Flag and offering a prayer.

Roll Call: Councilors Bernie Zemen, Mark Herak, Brian Novak, Konnie Kuiper and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Council Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; William R. Timmer, CFOD, Fire Chief; Kenneth J. Mika, Building Commissioner; Cecile Petro, Redevelopment Director; and Alex M. Brown, CPRP, Parks and Recreation Superintendent were present.

Karen Ziants, Dawn Wolak and Laurel Roach of the Community Events Commission; Dan Stombaugh of the Town Board of Metropolitan Police Commissioners; and Ed Dabrowski of the Park and Recreation Board were also present.

Cynthia Singleton, Clerk-Treasurer Intern was also present.

Minutes of the Previous Session

The minutes of the regular meeting of July 27, 2009 were approved by general consent.

Special Orders:

1. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located at **Homestead Park, 7900 N. Fifth Street**, Highland, to allow the construction of a monopole telecom tower, in property currently zoned as Open Space (OS) District. Petitioner: Mr. **Charles Mott** as agent for **T-Mobile Central, LLC**, 8550 Bryn Mawr Avenue, Chicago, Illinois. The Advisory Board of Zoning Appeals by a vote of three in favor and zero opposed acted to **favorably recommend the request for the use variance**. The ABZA acted at its meeting of 24 June 2009. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 22 July 2009. (90 days ends 22 September 2009.) It is further noted that the **Park and Recreation Board** acted to favor this at its April 2009 meeting.

*Pursuant to IC 36-7-4-918.6, the Town Council may either **accept the recommendation** and grant the requested use variance or it may **reject the recommendation** and deny the use variance.*

Councilor Zemen moved to accept the recommendation of the ABZA and to grant the use variance. Councilor Kuiper seconded.

Councilor Herak moved to amend the motion to incorporate the findings of fact. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The amendment was adopted.

The motion as amended was to accept the recommendation of the ABZA, approve the findings of fact and to grant the use variance. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The use variance was granted and the findings of fact approved.

Staff Reports: The Council received the following reports as information for the record:

• Building & Inspection Report for June 2009

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	0	0	0	\$0.00	\$0.00
Duplex/Condo	0	0	0	\$0.00	\$0.00

Commercial	0	0	0	\$0.00	\$0.00
Residential	89	89	0	\$543,256.00	\$7,827.50
Addit/Remodel					
Commercial	12	0	12	\$270,497.00	\$4,604.50
Addit/Remodel					
Schools/ Church remodel/addtn.	0	0	0	\$0.00	\$0.00
Sheds	0	0	0	\$0.00	\$0.00
Fences	21	20	1	\$66,429.00	\$2,149.00
Garage	0	0	0	\$0.00	\$0.00
Decks & Porches	9	9	0	\$24,770.00	\$1,713.50
Swimming Pools	9	9	0	\$0.00	\$657.00
Misc. Permits	7	7	0	\$49,218.00	\$1,077.50
Misc. other	0	0	0	\$0.00	\$0.00
Signs	4	0	4	\$50,900.00	\$1,545.50
Fire Repair	0	0	0	\$0	\$0
Total:	151	134	17	\$1,005,070.00	\$19,574.50
Electrical Permits	21	14	7		\$1,687.50
Mechanical Permits	8	4	4	0	\$624.00
Plumbing Permits	11	8	3		\$1,141.55
Water Meters	6	6	0		\$750.00
Water Taps	2	1	1		\$400.00
Sewer Taps	0	0	0		\$0.00
Total:	19	15	4		\$2,291.55

June Code Enforcement: 202 warnings issued and 13 citations were issued.

There were 65 final building inspections, 15 plumbing inspections, and 37 electrical inspections. There was one electrical exam given.

• **Building & Inspection Report for July 2009**

Permit Type	No.	Residential	Commercial	Est. Cost	Fees
Single Family	1	1	0	\$198,000.00	\$2,410.00
Duplex/ Condo	0	0	0	\$0.00	\$0.00
Commercial	0	0	0	\$0.00	\$0.00
Residential	94	94	0	\$862,041.00	\$10,639.50
Addit/Remodel					
Commercial	14	7	7	\$32,849.00	\$10,639.50
Addit/Remodel					
Schools/ Church remodel/addtn.	0	0	0	\$0.00	\$0.00
Sheds	5	5	0	\$4,362.00	\$616.00
Fences	18	18	0	\$18,994.00	\$1,413.00
Garage	1	1	0	\$9,500.00	\$305.50
Decks & Porches	9	9	0	\$10,416.00	\$1,303.50
Swimming Pools	4	4	0	\$0.00	\$292.00
Misc. Permits	6	6	0	\$29,140.00	\$446.50
Misc. other	2	2	0	\$3,400.00	\$168.00
Signs	3	0	3	\$3,575.00	\$785.50
Fire Repair	0	0	0	\$0	\$0
Total:	157	147	10	\$1,272,277.00	\$22,879.50
Electrical Permits	17	12	5		\$1,796.50
Mechanical Permits	9	5	4	0	\$746.50
Plumbing Permits	8	7	1		\$832.35
Water Meters	2	1	1		\$250.00
Water Taps	0	0	0		\$0.00
Sewer Taps	0	0	0		\$0.00
Total:	10	8	2		\$1,082.35

July Code Enforcement: 221 warnings issued and 24 citations were issued.

There were 43 final building inspections, 7 plumbing inspections, and 41 electrical inspections. There was one electrical exam given.

• **Fire Department Report for July 2009**

	Month	Y.T.D.	Previous Y.T.D.	Task Hours
General Alarms	11	11	91	
Car Fires	1	9	8	
Still Alarms	13	63	69	
Ambulance calls	0	0	1	

• **Workplace Safety Report for July 2009**

There were no incidents reported in July. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2009	Total in 2008	Restricted Days 2009	Lost Workdays This Year	Restricted Days Last Year (2008)	Lost Workdays Last Year (2008)
Parks	0	0	3	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	0	4	8	0	0	0	21
Street	0	0	6	0	0	3	2
Water & Sewer	0	2	6	0	0	0	0
Maint.	0	0	0	0	0	0	0
Other	0	0	1	0	0	0	0
TOTALS	0	6	25	0	0	3	23

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Resolution No. 2009-39:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Select Centennial Commission Fund** as Requested by the Department Head or Proper Officer and Forwarded to the Town Council for its action pursuant to IC 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Resolution No. 2009-39. Councilor Herak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion was passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2009-39**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the CENTENNIAL COMMITTEE FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the Centennial Committee Fund;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the Centennial Committee Fund which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

Centennial Committee Fund

Reduce Account:	#380.00 Centennial Event Expenses	<u>\$2,200.00</u>	
	<i>Total 300 Series Reductions</i>	\$2,200.00	
Increase Account:	#200.03 Centennial Miscellaneous Supplies	<u>\$2,200.00</u>	
	<i>Total 200 Series Increases</i>		\$2,200.00
Total of All Fund Decreases:		\$2,200.00	
Total of All Fund Increases:		\$2,200.00	

DULY RESOLVED and ADOPTED this 10th Day of August 2009 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2009-40:** A Resolution Authorizing the Entry into an Interlocal Cooperation Agreement for the Purchase and Utilization of construction Services for Mutual Benefit for Main Street Resurfacing Project. Town of Highland, Town of Griffith and the Town of Schererville are sharing costs for a resurfacing project for Main Street between Kennedy Avenue and Industrial Drive.

Councilor Kuiper moved the passage and adoption of Resolution No. 2009-40. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN of HIGHLAND
TOWN COUNCIL
RESOLUTION NO. 2009-40**

A RESOLUTION AUTHORIZING THE ENTRY INTO AN INTERLOCAL COOPERATION AGREEMENT FOR THE PURCHASE AND UTILIZATION OF CONSTRUCTION SERVICES FOR MUTUAL BENEFIT FOR MAIN STREET RESURFACING PROJECT

WHEREAS, The Towns of Griffith, Highland and Schererville all of Lake County, Indiana, have reviewed the condition of Main Street between Kennedy Avenue and Industrial Drive, a local two-lane highway that is jointly operated and maintained by Griffith, Highland, and Schererville; and,

WHEREAS, The Town of Highland, Lake County, Indiana, has been advised that the provisions of Indiana 36-1-7-1 *et seq.*, as amended from time to time, permit political subdivisions and entities to make the most efficient use of their powers by enabling political subdivisions to mutually purchase and utilize equipment, supplies and services for the mutual benefit of the participating governmental entities; and,

WHEREAS, The Town of Highland, Lake County, Indiana, is a Municipal Corporation empowered by the terms and provisions of Indiana Code 36-1-7-1, *et seq.*, as amended from time to time, to enter into agreements with participating governmental units for the purchase and utilization of equipment, supplies and services; and,

Whereas, The Town of Highland, the Town of Griffith and the Town of Schererville are municipal corporations empowered by the aforesaid Interlocal Cooperation act, as amended with authority to contract on behalf of each other on a basis of mutual advantage so as to better provide public services and facilities at a lesser cost; and

Whereas, Town of Highland, through its Town Council, the Town of Griffith and the Town of Schererville, each through their Town Councils, seek to enter into an agreement constructed pursuant to IC. 36-1-7-1, et seq., to provide for the ability and flexibility to purchase and utilization of supplies, re-construction and improvement services, and administrative economy for the mutual benefit of the participating entities, and at a shared cost; and

Whereas, Town of Highland, through its Town Council, has determined that entry into a joint agreement with the Town of Griffith and the Town of Schererville, each through their Town Councils, for the purchase and utilization of supplies, equipment and services for the participating governmental units is in the best interests of the residents of the Town of Highland, and therefore, has determined that it is advisable to enter into and become a participating unit under such an agreement pursuant to applicable provisions of State Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the TOWN of HIGHLAND, LAKE COUNTY, INDIANA:

Section One: That the Town Council of the Town of Highland, Lake County, Indiana, shall take all appropriate and legal measures to enter into an Interlocal Cooperation Agreement with the Town of Griffith and the Town of Schererville, each through their Town Councils, in order to purchase and utilize supplies, equipment and services for the mutual benefit of the municipality and the participating political subdivisions, at shared costs for the Main Street Resurfacing Project, between Kennedy Avenue and Industrial Drive.

Section Two: That the President of the Town Council is hereby authorized and permitted to enter into a Joint Interlocal Cooperation Agreement for the purchase and utilization of equipment, supplies and services for the mutual benefit of the municipalities herein named, at shared costs, pursuant to the applicable provisions of Indiana Code 36-1-7-1, et seq., as amended from time to time; further, the Town Clerk-Treasurer is hereby authorized to attest the execution of said agreement by the President of the Town Council;

Section Three: That the Interlocal Cooperation agreement between and among Town of Highland, Town of Griffith and the Town of Schererville, is hereby approved, shall be attached to this Resolution and incorporated herein by reference;

Section Four: That this Resolution shall take effect and be in full force and effect from and after its passage by the Town Council of the Town of Highland, Lake County, Indiana.

DULY PASSED and ADOPTED this 10th Day of August 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**INTERLOCAL GOVERNMENT AGREEMENT
MAIN STREET MILLING AND RESURFACING PROJECT**

THIS AGREEMENT made and entered into this ____ day of _____, 2009, by and between the Town of Griffith, Lake County, Indiana, hereinafter referred to as "Griffith"; the Town of Highland, Lake County, Indiana, hereinafter referred to as "Highland"; and the Town of Schererville, Lake County, Indiana, hereinafter referred to as "Schererville".

Whereas, Main Street between Kennedy Avenue and Industrial Drive is a local two-lane highway that is jointly operated and maintained by Griffith, Highland, and Schererville; and

Whereas, The east 3,972 approximate feet of Main Street is contained within the Town of Griffith and represents approximately 60% of the total lane miles; and

Whereas, The west 2,648 approximate feet of Main Street is contained within the Town of Highland and Town of Schererville with the centerline of Main Street establishing the corporate boundary between the Town of Highland and Town of Schererville, which represents approximately 40% of the total lane miles within the Town of Highland and the Town of Schererville; and

Whereas, Griffith, Highland, and Schererville has determined a need to mill and resurface the section of Main Street between Kennedy Avenue and Industrial Drive, and have a collective need to implement the Main Street Mill and Resurfacing Project (Project); and

Whereas, Implementing a joint project through an Interlocal Government Cooperation Agreement, as compared to independent action of the three communities, has both an economic and logistic benefit to the general public; and

Whereas, The work contemplated by this is in the nature of highway construction and maintenance, and matters related thereto; and

Whereas, It is in the best interest of Griffith, Highland, and Schererville to cooperate in a joint initiative for the milling and paving of Main Street, pursuant to the Indiana Interlocal Government Cooperative Act, IC 36-1-7.

NOW THEREFORE, it is mutually agreed by and between the parties hereto as follows:

1. That the parties mutually agree to assist one another in the planning, scheduling, and construction of the Main Street Mill and Paving Project as herein described;
2. That the Town of Griffith, based upon the fact that the majority of the Project is located within its corporate boundaries, shall serve as the lead agency for the Project and shall secure cost estimates, as necessary, for the planning and implementation of the Project;
3. That the Town of Griffith shall contract with Walsh & Kelly, Inc. for the Project based upon their selection for roadwork in 2009 as selected through a bid process pursuant to Indiana Statute;
4. That the Town of Griffith may contract with other service or material suppliers for soils testing, pavement marking, engineering services, and/or other construction activities necessary to implement the Project;
5. That the respective cost allocation, based upon the approximate lane miles contained within each community is as follows:

Griffith	60%
Highland	20%
Schererville	20%
6. That any contractor engaged to perform construction services for the Project shall prepare and submit invoices, based upon the terms contained herein, to each community for payment directly to the vendor providing such service;
7. That upon the completion of the Project as herein describe, the Interlocal Cooperation Agreement will be of no further force or effect;
8. That this Agreement shall be recorded in the Office of the Recorder, Lake County, Indiana, after approval hereof by Griffith, Highland, and Schererville.

IN WITNESS WHEREOF, the parties have executed this agreement on the day first written above.

**TOWN OF GRIFFITH, LAKE COUNTY, INDIANA
BY ITS TOWN COUNCIL**

Rick Ryfa, President

Attest:

Ron Szafarczyk, Clerk Treasurer

**TOWN OF HIGHLAND, LAKE COUNTY, INDIANA
BY ITS TOWN COUNCIL**

Dan Vassar, President

Attest:

Michael W. Griffin, Clerk Treasurer

**TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA
BY ITS TOWN COUNCIL**

Perry Ferrini, President

Attest:

Janice Malinowski, Clerk Treasurer

3. **Proposed Ordinance No. 1431:** An Ordinance of the Town of Highland, Indiana to Amend Sections of Chapter 51, of the Highland Municipal Code, particularly modifying Accident Report fees and Finger print service fees.

Councilor Novak introduced and moved the consideration of Ordinance No. 1431 on the same evening of introduction. Councilor Herak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Novak moved the passage and adoption of Ordinance No. 1431 on the same evening of introduction. Councilor Kuiper seconded. After the motion but before the roll call, there was an amendment to eliminate the finger print services fee for non-resident children, detailed below. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance as amended was adopted.

Councilor Herak moved that the ordinance be amended by eliminating the fingerprint services fee for non-resident children. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The amendment was adopted.

**Ordinance No. 1431
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND SECTIONS OF CHAPTER FIFTY-ONE of the HIGHLAND MUNICIPAL CODE, PARTICULARLY AMENDING ACCIDENT REPORT SERVICE CHARGES, PURSUANT TO IC 36-1-3 ET SEQ. AND OTHER RELEVANT STATUTES.

WHEREAS, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

WHEREAS, IC 36-1-3-8(6) further provides that a unit does not have power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services ;and

WHEREAS, The Metropolitan Police Department of Highland from time to time performs certain services, unrelated to the course of a lawful arrest or criminal processing, including but not limited to services such as immigration processing fingerprinting, elective protective fingerprinting of minor children for parents or employment processing fingerprinting, as well as limited background checks and providing reports of accidents for use in insurance claims, and checking titles; and

Whereas, The Town Board of Metropolitan Police Commissioners has advised the legislative body that a change of the several service charges, established in part to recover costs occasioned by the municipality in the performance of these services, with such charges to be receipted and paid to the municipal treasury, would be desirable in the administration of the municipality and of benefit to the public;

Whereas, The Town Council believes that such fees either being changed, all established in part to recover costs occasioned by the municipality in the performance of these services, would be necessary or desirable in the administration of the municipality and of benefit to the public;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Highland Municipal Code be amended by repealing the section § 51.64 in its entirety and replacing it with a new section, to be numbered as § 51.64, which shall read as follows:

§ 51.64 SCHEDULE OF CHARGES AND FEES

(A) The service charges as set forth and contained in the following Schedule of Charges is fixed pursuant to IC 9-29-11-1(a), which provides that the fee may not be less than \$5.00:

Schedule of Charges

Except as may be otherwise provided, the users of services administered and provided will be charged a standard service charge based upon the list herein provided.

Service Charges:	
Accident Report Fee provided for a resident:	\$20.00
Accident Report Fee provided for a non-resident:	\$25.00

(B) The Town Clerk-Treasurer (fiscal officer) shall receipt the fees into the fund defined by I.C. 5-2-8-2, the Law Enforcement Continuing Education and Training Fund.

Section 2. That the Highland Municipal Code be amended by repealing the section §51.37 located in the subchapter entitled *Civil Fingerprinting Service*, in its entirety and replacing it with a new section, numbered §51.37 located in the subchapter entitled *Civil Fingerprinting Service*, which shall read as follows:

CIVIL FINGERPRINTING SERVICE

§ 51.37 SCHEDULE OF CHARGES AND FEES.

The service charges as set forth and contained in the following schedule of charges are hereby deemed to be reasonable and just rates and charges reasonably related to the administration of the civil fingerprinting service bureau and its delivery of services, and the schedule is hereby authorized and approved:

Schedule of Charges
Civil Fingerprinting Service Bureau

Except as may be otherwise provided, the users of services administered and provided by the bureau will be charged a standard service charge based upon the list herein provided.

Service Charges:		
	Resident:	Non-resident:
Services related to immigration processing:	\$10 per set	\$20 per set
Services related to employment processing:	\$10 per set	\$20 per set
Services related to voluntary children public safety fingerprinting	No charge	No charge
All other services:	\$10 per set	\$20 per set

Section 3. That should a court find any provision of this ordinance to be unlawful or unenforceable, those provisions not so found shall continue to be in full force and effect;

Section 4 Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect on August 11, 2009, from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 10th day of August 2009. Consideration on same evening of introduction attained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 10th Day of August 2009, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

**Comments from the Town Council Members
(Good of the Order)**

- **Councilor Bernie Zemen:** • *Redevelopment Commission Liaison* • *Plan Commission member* • *Chamber of Commerce Co-Liaison* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Selection Centennial Commission.*

Councilor Zemen thanked all the persons who attended what he termed as "Zemenfest," a party hosted at his home.

The Redevelopment Director was recognized to report that the municipal riverfront development project area was approved by the Indiana Alcohol Tobacco Commission. It was noted that the approval allowed from the area to run from the Little Calumet River to the intersection of Ridge And Indianapolis Boulevard.

With leave from the Council, Councilor Herak expressed his disfavor with the expansion.

- **Councilor Mark Herak:** • *Advisory Board of Zoning Appeals, Liaison* • *Board of Waterworks Directors, Liaison* • *Community Events Commission, Liaison.*

Councilor Herak reported that Noel Rubel, Highland High School Class of 1974 had competed in Finland in a decathlon and had finished 9th in the world and 1st in his age class.

He also noted that the grandchild of Dennis Tobin of the Highland Park and Recreation Board, had competed favorably in a roller skating contest.

- **Councilor Brian Novak:** • *Town Board of Metropolitan Police Commissioners, Liaison* • *Traffic Safety Commission Member* • *Chamber of Commerce Co-Liaison.*

Councilor Novak noted Chamber of Commerce was conducting its Golf outing and had 70 golfers enrolled.

- **Councilor Konnie Kuiper:** *Fire Department Liaison* • *Park and Recreation Board, Liaison* • *Chamber of Commerce Co-Liaison.*

Councilor Kuiper expressed appreciation to the Highland Parks and Recreation Department and the Highland Rotary Club for the recent Corn Roast at Main Square.

- **Councilor Dan Vassar:** • *Town Executive* • *Police Pension Board of Trustees Chair* • *Budget Committee Chair* • *Board of Sanitary Commissioners.*

Council President Vassar noted that the Plan Commission would be soon considering the Development Standards for the Redevelopment Area.

Council President Vassar also commended the Highland Parks and Recreation Department for its assistance with the recent 11-year-old Little League State Finals, conducted at Markley Memorial Park.

The Public Works Director was recognized to report that a groundbreaking ceremony would be conducted at the site of the Homestead Detention Project on August 22, 2009.

Comments from the Public or Visitors.

1. Laurel Roach, Price Place, Highland, reported as a member of the Community Events Commission that the 18th Century Re-Enactment would occur at Main Square Park, August 22-23, 2009.

Payment of Accounts Payable Vouchers. There being no further business from the public or visitors, Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period July 28, 2009 through to August 10, 2009. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

General Fund, \$338,707.83; Motor Vehicle Highway and Street (MVH) Fund, \$11,233.74; Unsafe Building Fund, \$11,745.00; Local Road and Street (LRS) Fund, \$14,202.14; Forfeited and Seized Assets Fund, \$2,360.89; Law Enforcement Continuing Education and Training Fund, \$1,442.95; Corporation Bond and Interest Fund, \$136,580.91; Flexible Savings Account (FSA) Agency Fund, \$1,739.55; Insurance Premium Fund, \$107,580.52; Information and Communications Technology Fund, \$4,997.76; Special Events Non-reverting Fund, \$50.28; Select Centennial Commission Fund, \$1,000.00; Rainy Day Fund, \$102,000.00; Police Pension Fund, \$58,321.01; General Improvement Fund, \$154.00; Safe Neighborhood Grant Fund, \$6,060.90; Municipal Cumulative Street Fund, \$1,930.50; Total: \$800,107.98

Adjournment. Councilor Kuiper moved that the regular meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of **Monday, August 10, 2009** was adjourned at 7:26 O'clock p.m.

Study Session. The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular but rescheduled meeting on Monday, August 10, 2009 at 7:31 O'clock P.M. in the regular place, the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Konnie Kuiper, Brian Novak and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also Present: John Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Cynthia Singleton, Office of Clerk-Treasurer Intern; Dan Stombaugh, Town Board of Metropolitan Police Commissioners; Laurel Roach, Dawn Wolak, Karen Ziants, and Jill Ritchey of the Community Events Commission were also present.

General Substance of Matters Discussed.

1. The Town Council received from the delegation of the Community Events Commission (CEC) a series of concerns regarding the recent Independence Day Festival and the Beer Garden, operated as a fundraiser for the Our Lady of Grace (OLG) Parish. It is conducted during the same time as the Town's festival and locates on the OLG School Parking Lot, directly across from Main Square.

The delegation, referencing a recent posting in the Post-Tribune, a concern that the OLG Beer garden was becoming associated with the Town's Independence Day Festival. Ms. Roach of the CEC also expressed a concern about remarks attributed to Councilor Zemen in which he commented favorably on the beer garden operating concurrently with the Independence Day

Festival. The CEC delegation expressed disfavor and concern about the apparent “affiliation” of the OLG event with the Town’s event.

The discussion included whether or not the beer garden on its own constituted a “festival” for which a state permit would perhaps be required. The discussion included consideration of whether or not the Town’s event should be relocated from Main Square to the Sharp Athletic Complex and Homestead Park. The CEC delegation suggested it may support the expansion of the current event, perhaps allowing more food vendors and crafts. Alternatively discussed was the possibility of closing Fifth Street or Jewett Street, near Main Square, and using the public way for some amusements or vendors.

Some of the Councilors expressed concerns about the possible adverse impact upon the neighborhoods close to the Sharp Athletic Complex and Homestead Park if the festival were relocated to that venue.

Further the discussion included the competing merits of establishing a permit for the any activity that relies on symbiotically on a Town sponsored festival. No consensus emerged.

2. The Town Council received from the delegation of the Community Events Commission a series of concerns regarding the Select Centennial Commission (SCC). Ms. Ritchey, a member of the CEC and a member of the SCC expressed her concerns that the SCC was not sharing decision-making, particularly citing a recent fund raising project using Tulips as an example. Ms. Ritchey suggested that the project had been already determined by a smaller working group. Members of the CEC delegation also expressed concern regarding the adherence to meeting procedures by the SCC. Ms. Ritchey expressed her desire to resign from the SCC. She departed from the meeting.

A colloquy ensued between and among Councilor Zemen and members of the CEC. Delegates of the CEC expressed concern about Councilor Zemen, Chair of the SCC, assigning leadership roles to members of the SCC who were not holding an office according to its structure. Councilor Zemen asserted that he perceived that some of the concerns ensued from personality conflicts between Pat Popa, a member of the SCC, and some members of the SCC. Delegate from the CEC also complained that a suggestion to the SCC to take steps for greater children’s participation was rejected. Delegates of the CEC expressed a desire to have the enabling ordinance establishing the SCC to be amended and remove the CEC nominees as part of the SCC. During the colloquy, anger was exhibited in the exchanges.

Councilor Zemen departed at this time.

It was suggested by the Council that perhaps a follow-up meeting could be convened in order to further explore the sources of conflict and to promote less misunderstanding among the parties.

The CEC delegation departed at this time.

3. The Town Council, Commissioner Stombaugh and Chief Hojnicky discussed the constraints of the proposed FY 2010 Budget for the Metropolitan Police Department. It was noted that the Budget calendar and memorandum distributed to the department heads indicated that a no growth constraint, but that budgets needed to be prepared to absorb a possible 22% increase in the health insurance premiums and that employer’s the civil pension cost for PERF was increasing from 7.5% to 7.75% of covered payroll.

The discussion included a consideration of whether or not funds dedicated to other departments could be used for the Metropolitan Police Department. The discussion also included whether a greater degree of costs could be shifted from the Police Department budget in the General Fund to other funds, such as the Law Enforcement Continuing Education Fund and the Municipal Cumulative Capital Development Fund.

The discussion noted that the health insurance increase was not acceptable and this should be communicated to the Insurance Broker, Mr. Brown.

The discussion included a reminder by the Clerk-Treasurer that the constraint is imposed by the property tax freeze on operating levies adopted by the Indiana General Assembly for Lake County Civil Government only which keeps operating levies at the FY 2007 level until the Lake County Council adopts a particular Local Option Income Tax (LOIT). It was further noted that increases require increased income. The Clerk-Treasurer also described the systemic deficit in the General Fund, which further complicates budgeting in the current period.

A general discussion ensued about budgeting strategies of cost lowering, or cost shifting. The discussion particularly focused on the disposition of "carry-over", encumbered monies and lapsed appropriations. The discussion included a consideration of the disposition of "savings" that may be experienced by the Metropolitan Police Department in a given year and its utility for future fiscal year budgets.

There being no further business before the Town Council to be discussed, the post regular meeting study session of **Monday, August 10, 2009** was adjourned at 9:25 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer